AJN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1418 OF 2005

Raju Sharif Ansari ... Petitioner

Vs.

State of Maharashtra & Ors. ... Respondents

Mrs. S.D. Khot for the petitioner.

Mr. D.S. Mhaispurkar, A.P.P. for the State.

CORAM : SMT. RANJANA DESAI & ANOOP V. MOHTA, JJ.

DATED : 8TH JANUARY, 2007.

P.C.:-

1. This is a petition filed through jail. The petitioner's name has been struck off from the remission register because he did not surrender immediately after the furlough leave period. He surrendered after 502 days. Therefore, proceedings were initiated under the Bombay Furlough & Parole Rule 1951. He was issued a show cause notice on 30/11/2001 to which he sent a reply. Thereafter, his name was struck off from the remission register as per the provisions of the Indian Prison Act, 1894. The main contention of the petitioner is that the Superintendent of the Jail can award punishment in exercise of powers conferred on him under section 46 of the Indian Prison Act 1894 with the prior approval of the Inspector General of Prison and, in this

case, such prior approval is not taken. The learned A.P.P. states that the powers of the Inspector General of Prisons has been conferred on the Deputy Inspector General of Prisons by a notification. He has produced a copy of the said notification in this court. The learned counsel for the petitioner has perused the said notification. She confirms this fact. In view of this, no illegality is committed by the jail authorities. Petition is, therefore, dismissed.

[SMT. RANJANA DESAI, J.]

[ANOOP V. MOHTA, J.]